
HOUSE BILL 3216

State of Washington 60th Legislature 2008 Regular Session

By Representatives Seaquist, Morris, Upthegrove, Hudgins, Loomis, Kelley, Morrell, VanDeWege, Ericks, Hankins, and Eddy

Read first time 01/24/08. Referred to Committee on Technology, Energy & Communications.

1 AN ACT Relating to hydrokinetic energy; creating new sections; and
2 providing an expiration date.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** (1) The legislature finds that the global
5 energy economy is undergoing significant changes creating a situation
6 where energy prices are increasingly more expensive and the sources of
7 energy increasingly less secure. Additionally, the legislature finds
8 that there is growing concern about the consequences associated with
9 greenhouse gas emissions from conventional sources of energy and the
10 need for action to address the threats of climate change. The
11 legislature finds ocean and tidal resources, as well as other forms of
12 hydrokinetic energy, will play an important role in providing clean,
13 carbon-free, reliable, and affordable energy to the citizens of
14 Washington. The legislature finds that the development of wave and
15 tidal energy technologies in Washington will create more highly valued
16 green jobs in the state.

17 (2) It is the intent of the legislature to facilitate the
18 development of clean, carbon-free, reliable, and affordable power
19 sources for the energy needs of Washington's growing economy. Also, it

1 is the intent of the legislature to help catalyze the emergence of a
2 new water-power industry that is able to export technology and
3 expertise to the rest of the country and the world. In addition, the
4 legislature finds that hydrokinetic energy technologies are in their
5 infancy and care must be taken to properly design and site these
6 facilities in order to avoid impacts on the marine environment. To
7 achieve these goals, the legislature intends to establish a public-
8 private organization that will support a sustainable approach to
9 hydrokinetic energy development aimed at economic development,
10 environmental protection, and community stability.

11 (3)(a) It is the intent of the legislature for state agencies to
12 develop a programmatic permit for the siting of wave and tidal power
13 projects through a streamlined approach to environmental permit
14 decision making.

15 (b) To optimize the development and siting process for wave and
16 tidal power systems and to provide environmental protection, the
17 legislature finds that state regulatory and natural resource agencies,
18 public and private sector interests, tribes, local and regional
19 governments, and applicable federal agencies must work cooperatively to
20 establish common goals, minimize project siting delays, develop
21 consistency in the application of environmental standards, and
22 eliminate duplicative processes through assigned responsibilities of
23 selected permit drafting and compliance activities between state
24 agencies.

25 NEW SECTION. **Sec. 2.** The definitions in this section apply
26 throughout this act unless the context clearly requires otherwise.

27 (1) "Center" means the Washington state center for excellence in
28 hydrokinetic energy.

29 (2) "Council" means the energy facility site evaluation council.

30 (3) "Department" means the department of community, trade and
31 economic development.

32 (4) "Hydrokinetic energy" means hydroelectric generation from ocean
33 waves, tides, and currents, from free-flowing rivers and streams, and
34 from water discharges.

35 (5) "Water discharges" means water discharges from agricultural,
36 industrial, and commercial operations, wastewater treatment plants, or
37 residential properties.

1 facilitate the deployment and commercialization of these technologies
2 in Washington;

3 (b) How the center will establish and operate wave and tidal energy
4 test ranges that allow developers to demonstrate their wave and tidal
5 energy technologies;

6 (c) How the center will maintain processes to assist developers in
7 permitting their wave and tidal energy technologies;

8 (d) How the center will collect, manage, and disseminate data
9 necessary to assess statewide wave and tidal resources;

10 (e) How the center will promote Washington as the optimal location
11 for the development of and deployment of wave and tidal energy
12 technologies;

13 (f) What the public-private governance structure of the center will
14 be, considering the life sciences discovery fund as a model;

15 (g) How the center will coordinate with other governmental wave and
16 tidal institutions and initiatives in the Pacific Northwest economic
17 region;

18 (h) How the center will be funded through either state, federal, or
19 private sources of funding, or a combination of these funding sources;

20 (i) How the center will assist the state and various other entities
21 in reducing greenhouse gas emissions;

22 (j) How the center will assist other forms of hydrokinetic energy
23 technologies in addition to wave and tidal energy;

24 (k) How the center will identify and develop protocols to manage
25 issues involving competing uses of water space; and

26 (l) How hydrokinetic energy may be designed and sited so as to
27 avoid negative impacts on marine ecosystems.

28 NEW SECTION. **Sec. 6.** The work group created in section 3 of this
29 act shall provide a report to the appropriate committees of the
30 legislature containing its recommendations under section 5 of this act,
31 as well as draft legislation implementing its recommendations, by
32 December 1, 2008.

33 NEW SECTION. **Sec. 7.** (1) The work group created in section 3 of
34 this act shall develop a unique one-stop permit process for both wave
35 power and tidal power projects. The one-stop permit process must use
36 interagency review of wave and tidal power projects to streamline

1 permit decision making. The work group shall develop a process that
2 allows for concurrent public review, concurrent public hearings, and a
3 unified appeals process of various state regulatory requirements. The
4 work group shall collaborate with appropriate governmental agencies and
5 stakeholders to identify existing environmental standards, to assess
6 the application of those standards, and to develop an integrated
7 permitting process based upon environmental standards and best
8 management practices for wave and tidal power projects that may be
9 applied with certainty and consistency while taking into account
10 varying environmental conditions.

11 (2) By June 30, 2009, the work group created in section 3 of this
12 act shall develop a detailed work plan of the process to develop the
13 one-stop programmatic permitting for wave and tidal projects for review
14 by the legislature. The work plan must be updated every six months and
15 provided to the legislature. If the work group determines that
16 additional time is required to develop the one-stop programmatic
17 permitting process for wave power projects, the work group shall report
18 to the legislature on the need for additional time and update the work
19 plan accordingly.

20 (3) In creating one-stop programmatic permitting processes for wave
21 and tidal power projects, the work group created in section 3 of this
22 act shall:

23 (a) Develop and prioritize a list of permit streamlining
24 opportunities, specifically identifying substantive and procedural
25 duplications and recommendations for resolving those duplications;

26 (b) Evaluate flexible approaches that promote wave and tidal power
27 development and protect environmental interests;

28 (c) Make recommendations regarding where those approaches should be
29 implemented;

30 (d) Identify whether legislative measures are required to implement
31 the one-stop programmatic permitting process for wave and tidal power
32 projects; and

33 (e) Determine how to maximize possible use of programmatic
34 approaches to simplify issuance of federally required permits and
35 project approvals.

36 (4) The work group created in section 3 of this act, in developing
37 recommendations for a one-stop programmatic permit, shall consider

1 additional issues that may be associated with permitting a wave or
2 tidal energy project, which include:

- 3 (a) Disturbance or destruction of marine life;
- 4 (b) Toxic releases from leaks or accidental spills of liquids used
5 in those systems with working hydraulic fluids;
- 6 (c) Possible threat to navigation from collisions;
- 7 (d) Interference of mooring and anchorage lines with commercial and
8 sport fishing; and
- 9 (e) Tidal power plants that dam estuaries that can impede sea life
10 migration and build up silt behind such facilities, impacting local
11 ecosystems.

12 (5) By June 30, 2010, the work group created in section 3 of this
13 act shall provide a final report to the legislature on the one-stop
14 programmatic permitting process proposed by the work group as required
15 by this act.

16 NEW SECTION. **Sec. 8.** This act expires January 1, 2011.

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